

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 9, 11, 12, 21, 23, 24, and 27 are pending in this case. Claims 9, 11, 12, 21, 23, 24, and 27 are amended and Claims 1-8, 10, 13-20, 22, 25, and 26 are canceled by the present amendment. Changes to Claims 9, 11, 12, 21, 23, 24, and 27 are supported in the originally-filed disclosure at least at Fig. 8, page 37, lines 3-8, and page 38, line 20, to page 39, line 1. As such, the amended claims add no new matter.

In the outstanding Office Action, Claims 1, 5, 9, 13, 17, and 21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Jeyachandran et al. (U.S. Patent No. 6,567,176, herein "Jeyachandran"), further in view of Ito et al. (U.S. Patent No. 6,085,019, herein "Ito"); Claims 1, 3, 5, 7, 9-13, 15, 17, 19, and 21-27 were rejected under 35 U.S.C. § 102(e) as anticipated by Miyoshi et. al. (U.S. Pub. No. 2003/0179861, herein "Miyoshi")<sup>1</sup>; and Claims 2, 4, 6, 8, 14, 16, 18, and 20 were rejected under 35 U.S.C. § 103(a) as unpatentable over Miyoshi, further in view of Guha (U.S. Patent No. 5,699,369).

At the outset, Applicant notes that the rejection of Claims 1, 3, 5, 7, 9-13, 15, 17, 19, and 21-27 under 35 U.S.C. § 102(e) and the rejection of Claims 2, 4, 6, 8, 14, 16, 18, and 20 under 35 U.S.C. § 103(a) are repeated from the previous Office Action of June 14, 2007 with no discussion of Applicant's response to those same rejections in the previous amendment filed on July 9, 2007. Thus, the repetition of these rejections is contrary to the requirement of MPEP § 707.07(f) that "[w]here the applicant traverses any rejection, the examiner should, if he or she repeats the rejection, take note of the applicant's argument and **answer the substance of it.**" Accordingly, pending Claims 11, 12, 23, 24, and 27, which are only

---

<sup>1</sup> Although Claims 25-27 are not listed at page 4 of the outstanding Office Action as being rejected under 35 U.S.C. § 102(e), that omission is believed to be erroneous in light of the discussion of Claims 25-27 at pages 15-17 of the outstanding Office Action.

addressed in the repeated rejections without discussion of the substance of Applicant's previous arguments, are not properly rejected.

Claims 1-8, 13-20, 25, and 26 are canceled. Thus, the rejection of these claims is moot.

Applicant now traverses the rejection of the pending claims.

Claim 9 is directed to an information processing apparatus and includes:

- a data reception unit;
- a rule decision processing unit configured to determine whether data processing based on a data processing request received via the data reception unit is to be executed; and
- a data processing unit configured to execute data processing based on the determination of the rule decision processing unit, wherein
  - the rule decision processing unit is configured to execute determination processing for determining whether or not the processing according to the processing request is to be executed based on a rule deciding condition descriptor, and the rule deciding condition descriptor is determined based on a probability value.

The outstanding Office Action asserts that Jeyachandran and Ito, in combination, teach all the elements of Claim 9. The outstanding Office Action also asserts that Miyoshi teaches all the elements of Claim 9.

Jeyachandran describes a server that receives a print job for analysis and execution. In one embodiment, described at columns 37 and 38, a processor 650 includes a response unit 655 that determines if a response should be made to the user of the device.

However, Jeyachandran does not teach or suggest that a "rule decision processing unit is configured to execute determination processing for determining whether or not the processing according to the processing request is to be executed **based on a rule deciding condition descriptor**; and the **rule deciding condition descriptor is determined based on a probability value.**" In fact, Jeyachandran does not teach or suggest any processing that is

based on a rule deciding condition descriptor which is determined based on a probability value.

Further, Ito does not cure the deficiencies of Jeyachandran with respect to the features of Claim 9 discussed above and is not even cited in the outstanding Office Action as teaching the above-discussed features of Claim 9.

Thus, Jeyachandran and Ito, taken in combination, do not teach or suggest at least the features of Claim 9 discussed above. Accordingly, Applicant respectfully requests that the rejection of Claim 9 under 35 U.S.C. § 103(a) be withdrawn.

The rejection of Claim 9 and Claims 11 and 12, which depend therefrom, under 35 U.S.C. § 102(e) as anticipated by Miyoshi is not properly made, as stated above, because it fails to address the substance of Applicant's previous arguments to the same rejection. Nonetheless, Applicant traverses the rejection here.

Miyoshi describes transmitting stream data for recording and transmitting mute data until the recording/reproducing unit 38 begins to record such that data to be recorded is not lost. As described at paragraph [0006] of Miyoshi, a communication means is connected to a recording/reproduction unit 38 via a network 37. The data transmitting apparatus of Miyoshi has a control means that transmits data indicating mute to the recording unit during the time period when the data holding means holds a first predetermined value. When the data holding means holds a second predetermined value, stream data is inputted to the recording unit through the network.

However, as discussed in the previous response, Miyoshi does not teach or suggest at least a rule decision processing unit as recited in Claim 9.

The outstanding Office Action, at page 7, cites the judgment unit 59 of the device driver layer of Miyoshi as teaching a rule decision processing unit as recited in Claim 9. However, the judgment unit 59 of Miyoshi does not teach or suggest that the judgment unit

59 is configured to “execute determination processing for determining whether or not the processing according to the processing request is to be executed based on a rule deciding condition descriptor; and the rule deciding condition descriptor is determined based on a probability value,” as recited in Claim 9. Instead, as described at paragraph [0051] of Miyoshi, the judgment unit 59 judges switching between mute data and transfer data based on a register value C23.

Because Miyoshi does not teach or suggest at least a rule decision processing unit as recited in Claim 9, Applicant respectfully requests that the rejection under 35 U.S.C. § 102(e) of Claim 9 and Claims 11 and 12, which depend therefrom, be withdrawn.

Claim 21 is directed to a data processing method and, though differing in scope and statutory class from Claim 9, is believed to be patentable for substantially the same reasons discussed above for Claim 9. Thus, Applicant respectfully requests that the rejection of Claim 21 under 35 U.S.C. § 103(a) be withdrawn.

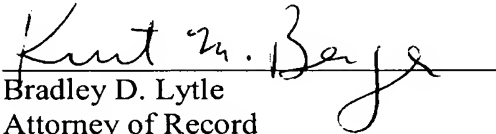
Claims 21, 23, 24, and 27 were rejected again under 35 U.S.C. § 102(e) as anticipated by Miyoshi with no discussion of the substance of Applicant’s argument in the previous response to the same rejection. Thus, as discussed above, the rejection of these claims is improper. Nonetheless, Applicant traverses the rejection.

Although Claims 21 and 27 differ in scope and statutory class from Claim 9, they are believed to be patentable over Miyoshi for substantially the same reasons discussed above with respect to Claim 9. Thus, Applicant respectfully requests that the rejection under 35 U.S.C. § 102(e) of Claim 21, Claims 23 and 24, which depend therefrom, and Claim 27 be withdrawn.

Accordingly, the outstanding rejections are traversed and the pending claims are believed to be in condition for formal allowance. An early and favorable action to that effect is, therefore, respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

  
Bradley D. Lytle  
Attorney of Record  
Registration No. 40,073

Customer Number

**22850**

Tel: (703) 413-3000

Fax: (703) 413 -2220

(OSMMN 06/04)

Kurt M. Berger, PhD.  
Registration No. 51,461

I:\ATTY\UMP\25's\254519US\254519US AMEND3.DOC